

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application and for indicating that the drawings filed on March 25, 2004 are accepted.

Disposition of Claims

Claims 1-29 were pending in the application. Claims 3, 14, 19, 22, and 28-29 are hereby cancelled without prejudice or disclaimer. Claims 30-34 are new. Accordingly, claims 1-2, 4-13, 15-18, 20-21, 23-27, and 30-34 are now pending.

Claim Amendments

Claims 1-2, 4-5, 12-13, 15-16, 18, 20-21, 23, and 25-26 are hereby amended to clarify aspects of the invention. No new matter is added by way of these amendments, as support can be found, for example, in paragraphs [0003], [0021], [0027]-[0030], [0035], [0040], and [0048] of the Specification as filed.

Further, as noted above, claims 30-34 are new. No new matter is added by way of these claims, as support can be found, for example, in paragraph [0003] of the Specification as filed.

Rejections under 35 U.S.C. § 112

Claims 1-29 stand rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. As noted above, claims 3, 14, 19, 22, and 28-29 have been cancelled without prejudice or disclaimer. Accordingly, the rejection is moot with respect to claims 3, 14, 19, 22,

and 28-29. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Specifically, the Examiner has suggested that “updating a current frequency of occurrences of a particular quantized value...” is indefinite. *See* Office Action dated January 17, 2007, p. 2. By way of this reply, the claims have been amended to clearly indicate which element(s) is/are being updated wherever “updating” continues to be recited. Accordingly, Applicants respectfully submit that the amended claims are not indefinite with respect to “updating,” and withdrawal of this rejection is respectfully requested.

Further, the Examiner has suggested that the term “physical variable” is not defined. *Ibid.* By way of this reply, the claims have been amended to clarify that the physical variable is a variable in a computer system that is measured by a physical sensor. For example, as recited in claims 30-34, the physical variable may be a voltage, a temperature, and/or a current. The Examiner will surely agree that many different measurable physical variables exist in a computer system. For example, decibel level is another measurable physical variable. Accordingly, Applicants respectfully submit that the term “physical variable” is well defined in the amended claims, and withdrawal of this rejection is respectfully requested.

Further, the Examiner has suggested that simply indicating or identifying that a certain parameter (*i.e.*, the physical variable) is changing is not a definite outcome. Specifically, the Examiner has suggested that the change must be a “defined” and “measurable” parameter. *Ibid.* By way of this reply, the claims have been amended to clarify that change in the physical variable is determined by performing a Sequential Probability Ratio Test (SPRT) to obtain a SPRT value. An alarm is then issued to a user of the computer system based on the SPRT value.

Clearly, the SPRT value is both defined (*i.e.*, as the result of the SPRT) and inherently measurable. Accordingly, Applicants respectfully submit that the amended claims are not indefinite, and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 1-29 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. As noted above, claims 3, 14, 19, 22, and 28-29 have been cancelled without prejudice or disclaimer. Accordingly, the rejection is moot with respect to claims 3, 14, 19, 22, and 28-29. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

As an initial matter, Applicants respectfully note that the Examiner has not provided any grounds for rejecting claims 2-12, 14-19, 21-24, and 26-29 under 35 U.S.C. § 101. Thus, the rejection of these claims effectively amounts to an omnibus rejection based on their depending from rejected independent claims 1, 13, 18, 20, and 25. *Ibid*, pp. 2-4. However, even assuming *arguendo* that the independent claims lack a useful, concrete and tangible result, the mere fact that an independent claim does not generate a useful, concrete and tangible result does not immediately imply that the dependent claims also do not generate a useful, concrete and tangible result. In fact, by definition, dependent claims introduce new limitations not present in the independent claim, the new limitations potentially including the useful, concrete and tangible result(s) that the Examiner finds lacking. Thus, the Examiner's omnibus rejection of claims 2-12, 14-19, 21-24, and 26-29 under 35 U.S.C. § 101 is wholly improper, and withdrawal of the rejection is respectfully requested.

Nonetheless, by way of this reply, the claims have been amended to clarify that an alarm is issued to a user of the computer system when the SPRT value indicates that the physical variable is anomalously changing. The Examiner will surely agree that many different types of alarms exist in computer systems. Further, alarms in computer systems are *always* visual and/or auditory, and as such are *inherently* concrete and tangible. Moreover, an alarm is inherently useful, by virtue of alerting a user to an undesirable situation – in this case, the fact that a physical variable is anomalously changing. Specifically, if the alarm were not issued, then the user would not know of the undesirable situation. Thus, the alarm provides an opportunity for the user to rectify the undesirable situation, which is clearly useful – in much the same way that fire alarms are inherently useful.


In view of the above, the amended claims clearly provide a useful, concrete and tangible result. Accordingly, Applicants respectfully submit that the amended claims are directed to statutory subject matter, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/410001; SUN040661).

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Respectfully submitted,

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